Attorney Docket No.:

KBI-0017 Ranganathan, Natarajan

Inventors:

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REMARKS

Claims 1-7 are pending in this application. The pending claims have been subjected to a Restriction Requirement under 35 U.S.C. §121 as follows:

Group I, claims 1-3, drawn to a composition; and

Group II, claims 4-7, drawn to a method for detoxifying a subject.

The Examiner acknowledges that Inventions I and II are related as product and process of use; however, they are distinct because the method for detoxifying a subject could be practiced with other materially different products such as fruit juice. As such, it is suggested that searching the inventions of Groups I and II together would impose a serious search burden on the Examiner as the search for the composition and the method of the instant Disclosure are not coextensive. The Examiner acknowledges that were Applicant to elect claims directed to the product, and the product claim were subsequently allowed, withdrawn process claims that depend from or otherwise include all limitations of the allowable product claim will be rejoined in accordance with the provisions of MPEP §821.04. Applicant is required to elect of the Groups to be examined. Applicant respectfully disagrees and traverses this restriction requirement.

clear; for a proper restriction 8803 is quite requirement, it must be shown (1) that the inventions are independent or distinct AND (2) that there would be a serious burden on the Examiner if the restriction is not required. MPEP 802.01 defines "distinct" to mean that the "two or more subjects as disclosed are related, for example, as combination and part (subcombination) thereof, process and apparatus for its practice,

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process and product made there, etc., but are capable of separate manufacture, use, or sale, as claimed, AND ARE PATENTABLE (novel and unobvious) OVER EACH OTHER."

respectfully disagrees with Examiner's Applicant the suggestion that the inventions of Groups I and II are not coextensive. The selected bacteria of Group I claims have the distinct technical feature of being able to convert nitrogenous waste into non-toxic compounds in vivo. Thus, a search of the relevant prior art for selected bacteria which meet this criteria will inherently reveal references that disclose the use of such bacteria in vivo to inhibit build up of toxins and metabolic wastes and overgrowth of undesirable bacteria. As the phenotypic criteria of the selected bacteria of Group I claims is coextensive with the use of such bacteria in the methods of Group II claims, no serious burden would be incurred by the Examiner in searching and examining together claims of Groups I and II. Therefore, reconsideration of this restriction requirement is respectfully requested.

However, in an earnest effort to be completely responsive, Applicant hereby elects to prosecute Group I, claims 1-3, drawn

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to a composition, classified in class 424, subclass 93.4, with traverse.

Respectfully submitted,

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